

MINUTES

May 13, 2008

The State Board of Registration for Professional Engineers and Land Surveyors met on May 13, 2008, in Conference Room 102 at the office of the Professional Licensing Boards, 237 Coliseum Drive, Macon, Georgia 31217.

BOARD MEMBERS PRESENT:

Doris I. Willmer, PE, Chairperson
Elmo A. Richardson, Jr., PE/LS
James W. Butler, LS
E. Scott Evans, Public Member
William W. Dean, PE, Vice-Chairman
Guy F. Ritter, PE
Stephen R. Richards, PE
Mark E. Chastain, LS
E. Charles Vickery, PE

BOARD MEMBERS ABSENT:

None

STAFF PRESENT:

J. Darren Mickler – Board Executive Director
Julie Busbee – Application Specialist/Board Secretary
Vivian Stephens – Application Specialist
Annette Wimberly – Administrative Assistant

ATTORNEY GENERAL REPRESENTATIVE:

Amelia Baker, Senior Assistant Attorney General

Call to order:

At 9:30 am, Chairperson Willmer called the meeting to order and asked for any additions or deletions to the proposed agenda. Mr. Chastain requested to add US Army Corp of Engineers Mapping Requirements to New Business. Mr. Dean requested to delete Reinstatement of Expired Licenses. Mr. Richardson moved to adopt the agenda as amended. Mr. Chastain seconded. Motion carried.

Approval of Minutes:

Chairperson Willmer presented a draft of the April 8, 2008 minutes and asked for any additions or deletions. Mr. Ritter moved to adopt the minutes as presented. Mr. Richardson seconded. Motion carried.

Guests:

Chairperson Willmer welcomed Hardwick Butler, professor at Middle Georgia College, representing SAMSOG.

Executive Director Report:

Mr. Mickler reported that he has temporarily assumed the duties of the Executive Director for Architects & Interior Designers, Geologists, Landscape Architects, Librarians, and Accountants. This should only be for the time while the position is empty.

Old Business:**Coalition Letter from W. L. Jorden:**

No report.

Request Regarding Columbia County:

Mr. Mickler reported that he sent a letter to Justin Snyder at Columbia County Government Center stating:

“It has been brought to the attention of the PELS Board that there are possible conflicts between state law and Columbia County ordinances and guidelines regarding surveys and plats. Specifically, Chapter 15 of Title 43 of the Official Code of Georgia Annotated provides that the preparation of as-built drawings and land surveys are activities that fall within the definition of land surveying and, thus, are activities performed by licensed land surveyors. A review of the attached memorandum provided to the Board indicates a possible conflict between Chapter 15 and the Final Plat Checklist used by the Columbia County Planning and Development Department that indicates the accuracy of as-built drawings can be certified by a land surveyor or professional engineer. Similarly, Article IX. Wireless Telecommunications Facilities of the Columbia County Code of Ordinances defines survey as a land survey containing the seal and certification of a properly licensed professional engineer or professional land surveyor. Georgia law provides that the preparation of as-built drawings and land surveys are activities to be performed by registered land surveyors. Please feel free to contact me if you have any questions.”

Mr. Mickler reported that he received a response from Hameed Malik, Ph.D., P.E., Engineering Services Manager from Columbia County Building, Commercial, & Engineering Services Division stating:

“This letter is in response to the Georgia Board of Registration for Professional Engineers and Land Surveyors (PELS Board) letter dated April 15, 2008. In this letter, PELS Board raised concerns regarding Columbia County Final Plat/As-built certification requirements and allowing professional engineers to certify Final Plats/As-built.

Columbia County code of ordinances, Chapter 74, Section 74-38 “Final Plat” governs preparation and submittal of Final Plats of real estate in the County. The following is excerpt from this section describing various certification requirements.

‘Each plat shall contain, in such language as prescribed by the planning commission, a certificate by the surveyor as to survey and platting requirements; a certificate by the owner as to ownership and dedication of streets, easements, utilities, parks and open spaces; a certificate as to floor elevation as related to the sanitary sewer system; a certification of acceptance by the Board of Commissioners; and a certificate of Final Plat approval by the Planning Commission.’

Per Columbia County Codes (see excerpt above), only Georgia Registered Licensed Surveyor (RLS) shall certify Final Plat/As-built. Registered Engineer (PE) is not certifying the Final Plat but certifying that As-built prepared by a RLS satisfies development design engineering requirements (such as storm, water, sewer conveyance system) as approved by the County at the Preliminary Plat (development plan) stage. In summary, PE is relying on the information gathered, presented and certified by a RLS... ”

After Board discussion, it was decided that Mr. Butler will discuss the issue with Mr. Franklin Toole and send him a copy of the response letter.

New Business:

Report of NCEES Southern Zone Meeting:

Chairperson Willmer reported that she, Mr. Richardson, Mr. Dean, Mr. Vickery and Mr. Butler represented the Georgia Board at the NCEES Southern Zone Meeting May 1-3 in San Juan, Puerto Rico. Some key items discussed at the meeting were as follows:

- Bachelors Degree + 30 hours. Nebraska is the first state to attempt to add the requirements for Professional Engineer licensure to their law. Georgia agreed with most states that a Master’s degree is a better option.
- Exams will become computer-based within the next 2-3 years.
- Separation of Professions. Ms. Willmer commented that there are 14 states that have separate Boards of Engineers and Surveyors and there was some discussion at the NCEES Meeting regarding division of governance of the two professions within the NCEES structure.
- Next year’s NCEES Southern Zone meeting will be in New Orleans, LA instead of Tennessee as was originally scheduled.

US Army Corp of Engineers Mapping Requirements:

Mr. Chastain discussed that the US Army Corp of Engineers is requiring certain coordinate systems to be used for mapping and surveys. They are allowing non-licensees to do surveys and use substandard GPS procedures. Mr. Ritter moved that Mr. Chastain and Ms. Baker draft a letter to address this issue. Mr. Richardson seconded. Motion carried.

Executive Session:

At 10:50 am Mr. Ritter moved for the Board to enter into Executive Session to deliberate on applications and enforcement matters and to receive information on complaints and investigative reports. Mr. Evans seconded. Motion carried.

The following Board members were present during Executive Session – Chairperson Willmer, Mr. Richardson, Mr. Evans, Mr. Butler, Mr. Richards, Mr. Vickery, Mr. Chastain, Mr. Dean and Mr. Ritter.

Reconvened Open Session at 1:43 pm with the following Board members present – Chairperson Willmer, Mr. Richardson, Mr. Evans, Mr. Butler, Mr. Vickery, Mr. Chastain, Mr. Dean and Mr. Ritter.

Investigations:

Mr. Chastain moved to accept the following recommendations regarding investigative cases:

PELS070019 – Respondent has not signed a Voluntary Surrender. Forward case to the Attorney General's office for a revocation hearing.

PELS080007 – This case involved a firm advertising surveying services that had been offered a Voluntary Cease and Desist Order. Recommend to be more specific on the Cease and Desist Order for Legal Services to re-issue. Mr. Chastain will draft the language and forward it to Legal Services Section.

PELS040039 – This case involved a surveyor with allegations of assisting unlicensed practice. Recommend to close with no action.

PELS080051 – This case involved a surveyor with allegations of assisting unlicensed practice. Issue a Consent Order with 24 months probation, public reprimand and \$1000 fine.

Accept a Voluntary Cease and Desist Order from Jackson Myers for unlicensed practice of engineering.

Accept a Voluntary Cease and Desist Order from Brent Harrison for unlicensed practice of land surveying.

Mr. Richardson seconded. Motion carried.

Board Memo Comity Model Law Applicants:

Applicants for registration as Professional Engineers by comity, who have an ABET engineering degree, who have taken and passed an 8-hour fundamentals of engineering (EIT/FE) exam, who have a minimum of 48 months post graduation engineering experience

as determined by a staff evaluation using the present Board guidelines, who have taken and passed an 8-hour principles and practice of engineering exam (PE Exam-taken at least 4 years after BS degree), and who comply in every way with the provisions of the appropriate law are as follows:

33020 Richards, Monte A.	33021 Shay, George J III	33022 Ewert, Kurt H.
33023 Whelan, Robert J Jr.	33024 Wood, Casey R.	33025 Bailey, Mark W.
33026 Senneca, Anthony C.	33027 Bailey, James R.	33028 Buckner, Angela A.
33029 Finkbeiner, David T.	33030 Gryzik, Ronald R.	33031 Strickland, Richard T.
33032 Sujak, Teon C.	33033 Meshnik, John R.	33034 Beverly, Jeffrey J.
33035 Bieberly, Gregory E.	33036 Moloney, John W.	33037 Bartholomew, Daniel E.
33038 Hinojosa, Robert J.	33039 Bokhoven, William H.	33040 Edenburn, Andrew K.
33041 Eisenbarth, Dennis E.	33042 Garrett, Rex	33043 Kliner, Michael J.
33044 Lowder, Matthew E.	33045 Perry, Jon L.	33046 Pugh, James C.
33047 Tumblin, David K.	33048 Fitzgerald, Davis A.	33049 Gambrell, Raven W.
33050 Hafner, Eric T.	33051 Lawrence, Edward E.	33052 Nelson, Philip S.
33053 Warmuth, Lauren M.	33054 Funk, John G.	33055 Hunter, David N.
33056 Meadows, Jon S.	33057 Smeenck, Case H.	33058 Thomasson, William M.
33059 Tomczyk, Mark E.	33060 Walker, James B. III	33061 Matasic, Mark C.
33062 McCleary, Terrence L.	33063 Saunders, Michael Jeffrey	33064 Holcomb, Michael E.
33065 Horbal, Bradley L.	33066 Rushing, Michael L.	33067 Terrell, Ricky N.
33068 Collins, Kenneth J.	33069 Foreman, Jeffrey D.	33070 Gangaware, Kevin F.
33071 Hill, Emily P.	33072 Horbal, Winter G.	33073 Horton, Hayden H.
33074 Starner, Jacon E.	33075 Mintz, Judith M.	33076 Scoville, David B.
33077 Sparrow, Howard L.	33078 Thompson, Kevin L.	33079 Yagla, Tina B.
33080 Jasper, Nicholas C.	33081 Reed, Virgil G.	33082 Barter, Michael P.
33083 Bills, Robert P.	33084 Culpepper, Edwin E.	33085 Eliopulos, Robert G.
33086 Freudenrich, Douglas M.	33087 Hadley, Jeffrey A.	33088 Sanders, Kenneth L.
33089 Schultz, Gregory A.	33090 Swayampakala, Radha K.	

Motion was made by Mr. Richardson to approve these applicants for PE registration by comity @ 43-15-16(a), via 43-15-8(1) and 43-15-9(1). The motion was seconded by Mr. Evans. The motion carried.

Board Memo Applications for Regular Applicants Seeking Certification as an Engineer-In-Training by Exam:

Applicant(s) for certification as Engineers-in-Training by examination whose degrees were earned in engineering or engineering technology programs which attained ABET/CAB accreditation within two years of their having received their degrees, who have filed with the Board five acceptable references, who have had no convictions for moral turpitude or substantive reasons, and who comply in every way with the provisions of the appropriate law(s), are as follows:

Bradley, Clarence	Lagat, Mike Arnel	McDonald, Steven Dean
Onwueme, Victor Udoka	Phung, "Hugh" Huhanh	Soundarapandian, Senthil
Trombly, Adam W.	Young, Ryan Lemar	

Motion was made by Mr. Ritter to approve the above-mentioned applicant(s) for EIT certification @ 43-15-8(1) or 43-15-8(2). The motion was seconded by Mr. Dean. The motion carried.

Reinstatements:

Mr. Evans moved to reinstate the following with conditions:

Robert Lively, PE020798 – to reinstate with \$1000 penalty
Susan Litherland, PE016083 - to reinstate with \$1000 penalty

Mr. Vickery seconded. Motion carried.

At 2:55 pm am Mr. Chastain moved for the Board to enter into Executive Session to deliberate on applications and enforcement matters and to receive information on complaints and investigative reports. Mr. Richardson seconded. Motion carried.

The following Board members were present during Executive Session – Chairperson Willmer, Mr. Richardson, Mr. Butler, Mr. Vickery, Mr. Chastain, and Mr. Dean.

Reconvened Open Session at 1:43 pm with the following Board members present – Chairperson Willmer, Mr. Richardson, Mr. Butler, Mr. Vickery, Mr. Chastain, and Mr. Dean.

Mr. Chastain moved to accept the following recommendations regarding investigative cases:

PELS080034 – This case involved a professional engineer with allegations of unlicensed practice of land surveying. Recommend to issue a letter of concern and request that the respondent's firm re-record the corrected plat. If respondent complies and reports as such to the Board, then the case will be closed as resolved.

PELS050118 – This case involved a professional engineer with allegations of substandard practice. Recommend to accept the licensee's request to change his license status to "inactive," flag the file for any future request for reinstatement and close the case.

Mr. Richardson seconded. Motion carried.

There being no further business, at 3:18 pm, Mr. Chastain moved to adjourn. Mr. Richardson seconded. Motion carried. Some Board members remained to review applications until they were finished.

Board Chairman

Executive Director

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These minutes were approved at the June 24, 2008 meeting.